

**Remarks:**

1. The Examiner initially sent out a Restriction Requirement in the instant case in a paper mailed by the USPTO on April 28, 2004. Applicants responded to the Restriction Requirement in a paper mailed out on May 27, 2004. In a paper mailed out by the USPTO on July 6, 2004, the Examiner noted that the elections made by Applicants in the May 27 Response were not fully responsive to the original Restriction Requirement. Applicants apologize for the confusion and regret any inconvenience caused.

2. In the original Restriction Requirement, the Examiner restricted prosecution of the instant application to one of the following two groups:

(I) Claims 1-15, drawn to a method of making a progressing cavity stator, classified by the Examiner in class 29, subclass 888.023, and

(II) Claims 16-43, drawn to a progressing cavity stator or motor, classified by the Examiner in class 418, subclass 48. Examiner further alleged that Group II includes patentably distinct species: FIGURES 3, 5, 9, 10, and a press fit replaceable insert.

3. In their May 27 Response, Applicants elected Group II, claims 16 through 43, without traverse, for further prosecution in this application, believing generic claims 32-39 and 42 were allowable. However, in the event that no generic claim is finally held to be allowable, Applicants further elected, on a provisional basis, the Group II species represented by independent claim 16 and dependent claims 17 through 26, without traverse, for further prosecution in this application.

4. The Examiner has determined that Applicants' prior provisional election, as described immediately above, is not fully responsive to the original Restriction Requirement. In the paper mailed out on July 6, 2004, the Examiner states:

"In electing the claims of Group II applicant was further required to elect between the species of Figures 3, 5, 9, 10 and a press fit replaceable insert. Applicant elected the species represented by independent claim 16 and dependent claims 17-26. However, these claims include more than one species, e.g. claim 18 is drawn to Fig. 5 and claim 19 is drawn to a press fit removable insert. Applicant is

required to elect a single disclosed species and to list the claims readable thereon.”

5. Applicants withdraw their previous provisional species election within Group II, recognizing that this earlier election was not fully responsive to the original Restriction Requirement. Applicants re-assert their belief that within Group II, at least claims 16, 32 and 42 are generic and allowable, making a species election within Group II moot. Nonetheless, in the event that no generic claim is finally held to be allowable, Applicants now further elect, on a provisional basis and without traverse, the species of exemplary embodiments illustrated by FIGURE 3 for further prosecution on the merits. Applicants believe that the following claims are readable on this provisionally elected species:

16-17, 20-25, 32-39 and 42.

6. Applicants further make the foregoing election(s) without prejudice to their right to file divisional applications on claims that have been restricted out of this application.

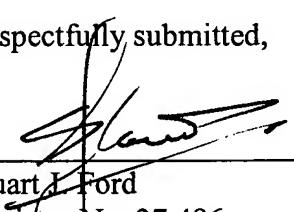
The Commissioner is hereby authorized to charge \$110 to deposit account number 50225 as set forth in §§ 1.17(a)(1).

Should the Examiner have any questions, or believe that a telephone interview may expedite the further examination of this application, the Examiner is requested to contact the undersigned at the telephone number shown below.

Date:

August 9, 2004

Respectfully submitted,

  
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